

11CV 5885 (JGK)

UNITED STATES DISTRICT COURT  
Southern DISTRICT OF NEW YORK

Marlon Reynolds,  
Plaintiffs,  
-against-

C.O. N. Darrah,  
Defendants,

AMENDED  
COMPLAINT

Under the

Civil Rights Act, 42 U.S.C. § 1983

Prisoner complaint

Jury Trial: Yes  No

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: <u>12/3/11</u>

**I. Parties in this complaint:**

**A. Plaintiff**

Marlon Reynolds  
09A49913

Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

**B. Defendant(s)**

No. 1 C.O. N. Darrah

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No. 2

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No. 3

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No. 4 \_\_\_\_\_  
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\_\_\_\_\_

## II. Statement of Claim:

A. In what institution did the events giving rise to your claim(s) occur?

Green Haven Correctional Facility

B. Where in the institution did the events giving rise to your claim(s) occur?

Inside of C-Block on the 2<sup>nd</sup> Deck, 2 Company, in front of my cell (2-201 STM)

C. What date and approximate time did the events giving rise to your claim(s) occur?

September 23<sup>rd</sup>, 2010, Approximately 9:26 P.M.

D. Facts: On the above date and time mentioned, I (inmate - Reynolds 09A4993) was locked inside my cell preparing a meal for myself to eat (because I didn't went to the yard, law library, or any other call-out for that matter). Rec.in the "dirt yard" was over and inmates was returning to their companies and cells. Upon the return of the yard, Officer. Darrah (who was "NOT" the 3pm-11pm Officer for the 2<sup>nd</sup> deck that day but an officer working shift in the dirt yard), opened my cell door for nothing and/or no

apparent reason what-so-ever. As I got up off my bunk to see why my cell was open (seen as my bunk was still on his call-duty), I was immediately attack, assaulted, and knocked unconscious by 2 (or more) inmates. I still do not know what was the motive for the attack but I believed that it was derived from a minor argument I had had with Officer N. Durrha a week prior.

**III. Injuries:**

I had suffered a 2" jagged laceration to the right cheek and 3/4" laceration to the chin. I had also suffered two minor punctured wounds to the right knee that I did not know was there until I had reach the outside hospital. I had also suffered a sprained wrist and I'm seriously traumatized, for this had never happen to me before.

**IV. Exhaustion of administrative Remedies:**

**A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?**

Yes  No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Green Haven Correction Facility

B. Does the jail, prison, or other Correctional Facility where your claim(s) arose have a grievance procedure?

Yes  No \_\_\_\_\_ Do Not Know \_\_\_\_\_

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes  No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If YES, which claim(s)? There is only one claim made.

*Assault claim and loss of property*

D. Does the grievance procedure at the jail, prisons, or other Correctional facility where your claim(s) arose not cover some of your claim(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If YES, which claim(s)?

E. Did you file a grievance in the jail, prisons, or other correctional facility where your claim(s) arose?

Yes  No \_\_\_\_\_

F. If you did file a grievance, about the events described in this complaint, where did you file the grievance? Creen Haven Corrections

1. Which claim(s) in this complaint did you grieve? There is only one complaint

*Assault*

2. What was the result, if any? They told me that they were going to investigate my grievance but I never heard from them again. *My claim was denied*

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to highest level of the grievance process.

*Appealed to the Superintendent, Commissioner, then to Albany*

G. If you did not file a grievance, did you inform any officials of your claim(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

1. If YES, whom did you inform and when did you inform them?

2. If NO, why not? I did not file a claim until later when I realized that I would suffer continuous chronic back pain.

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*I grieved, then I appealed the decision of the griev all the way through.*

## V. Relief:

Due to Officer. Parrish's malicious unprofessional, I've suffer serious permanent injuries. I would like for the Courts to reward me the monetary compensation of \$9,900 for all of my injuries, anguish, and all my sufferings. I would also like for the courts to penalize Officer. N. Parrish and Green Haven Correctional Facility for their lack of professionalism and negligence to uphold the rules and regulations of the Department of Correctional Services.

## VI. Previous lawsuits:

A. Have you filed other lawsuits in state and federal court dealing with the same facts involved in this action?

Yes      No

B. N/A

D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes No

E. N/A

Signed this 26 day of October, 2011. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff *M. Fernández*

Inmate Number 09A4993

Mailing address Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

I declare under penalty of perjury that on this 21 day of November, I will deliver this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court of the Southern District of New York.

Signature of Plaintiff: M. Reynolds

Sworn to Before me This  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**NOTARY PUBLIC**